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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Busfield et al.

Confirmation No.: 6846

Serial No.: 09/610,118

Group Art Unit: 1644

Filed: June 30, 2000

Examiner: Decloux, Amy M.

For: GLYCOPROTEIN VI AND USES
THEREOF

Attorney Docket No.: 7853-211

**STATEMENT OF ATTORNEYS FOR APPLICANT REGARDING
PERMANENCE AND AVAILABILITY OF DEPOSITED MICROORGANISMS**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

We, attorneys for the Applicant in the above-captioned application, declare and state that:

1. We represent the inventors and Millennium Pharmaceuticals, Inc. having a place of business at 75 Sidney Street, Cambridge, Massachusetts 02139, present assignee of the application.

2. *E. coli* containing clone EpthEa11d1 was deposited with the American Type Culture Collection (ATCC®), 10801 University Boulevard, Manassas, Virginia 20110-2209, on March 30, 1999, in compliance with the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure on behalf of Millennium Pharmaceuticals, Inc. The deposited microorganism was assigned ATCC® Accession Number 207180.

3. *E. coli* containing clone EpTm268 was deposited with the American Type Culture Collection (ATCC®), 10801 University Boulevard, Manassas, Virginia 20110-2209, on June 14, 1999, in compliance with the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure on behalf of Millennium

Pharmaceuticals, Inc. The deposited microorganism was assigned ATCC® patent deposit Number PTA-225.

4. Murine hybridoma cell lines 9012.2, M22 1P10.2, 8M14.3, 9E18.2, and 7H4.6 were deposited with the American Type Culture Collection (ATCC®), 10801 University Boulevard, Manassas, Virginia 20110-2209, on April 21, 2000, in compliance with the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure on behalf of Millennium Pharmaceuticals, Inc. The deposited microorganisms were assigned ATCC® patent deposit Numbers PTA-1746, PTA-1747, PTA-1748, PTA-1749, and PTA-1750.

5. ScFvs A4, A9, A10, and C3 were deposited with the American Type Culture Collection (ATCC®), 10801 University Boulevard, Manassas, Virginia 20110-2209, on June 30, 2000, in compliance with the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure on behalf of Millennium Pharmaceuticals, Inc. The deposited microorganisms were assigned ATCC® patent deposit Numbers PTA-2443, PTA-2444, PTA-2442, and PTA-2445.

6. We hereby assure the United States Patent and Trademark Office and the public that (a) all restrictions on the availability to the public of the microorganisms, murine hybridoma cell lines and scFvs referred to in paragraphs 2-5 will be irrevocably removed upon issuance of a United States patent of which such microorganisms are the subject; (b) the microorganisms, murine hybridoma cell lines and scFvs will be maintained for a period of at least five years after the most recent request for the furnishing of a sample of the deposited microorganisms was received by the ATCC® and, in any case for a period of at least 30 years after the date of deposit; (c) should the deposits become non-viable they will be replaced by the Applicant; and (d) access to the microorganisms, murine hybridoma cell lines and scFvs will be available to the Commissioner during the pendency of the patent application or to one determined by the Commissioner to be entitled to such microorganisms under 37 C.F.R. § 1.14 and 35 U.S.C. § 122. Copies of the Receipts of Deposit for each of the microorganisms, murine hybridoma cell lines and scFvs have been attached to this Statement as Exhibit 1.

7. We hereby declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true and further that we make these statement with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under § 1011 of Title 18 of the jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Date June 18, 2002

Laura A. Coruzzi 30,742
Laura A. Coruzzi (Reg. No.)

By: Muna Abu-Shaar
Muna Abu-Shaar
Limited Recognition Under 37 C.F.R. § 10.9(b)
Copy of Certificate Enclosed

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